

Remarks

Claims 1-19, 22, and 25 are currently pending and stand rejected under 35 USC 102(b) and/or 103(a). Claim 1 has been amended. Applicants assert that the claims are now in condition for allowance as set forth more fully below.

Interview Summary

The undersigned participated in an interview with the Examiner on March 23, 2005. During the interview, the interpretation and related rejection of claim 1 was discussed. Namely, it was discussed that the Examiner felt the computer element should be re-written to add structure by including “instructions that...” as opposed to “configured to....” Additionally, deficiencies in Rutkowski and Rutkowski as modified by Ullrich were discussed. Namely, it was discussed that Rutkowski fails to disclose that the computer selects items to be provided in a list for selection by the customer based on the customer type received from a network. It was also discussed that Ullrich also fails to account for this deficiency because Ullrich provides the options for selection first, then determines whether to block an order based on a credit limit or parental block as set forth within the set top box, as opposed to selecting what items to offer prior to providing them for selection, based on customer type received from a network.

102 Rejections

Claims 1-10 and 22 are rejected under 35 USC 102(b) as being anticipated by Rutkowski (US Pat 5,826,270). This rejection of claim 1 was based on an interpretation that much of the recitations were merely descriptive and non-functional due to a lack of corresponding structure. The claims have been amended as suggested to add the structural elements, namely, instructions of the computer that perform the functions. Accordingly, claim 1 now includes elements not disclosed by Rutkowski, such as instructions that select one or more items corresponding to the received customer type from a set of items, instructions that provide a list of the one or more selected items, and instructions that receive a selection corresponding to the received request from the customer from the one or more items. The prior Office Action has conceded that Rutkowski does not disclose the computer selecting the one or more items corresponding

to the received customer type. Therefore, claim 1 is allowable over Rutkowski for at least this reason. Dependent claims 2-10 and 22 depend from an allowable claim 1 and are also allowable for at least the same reasons.

103 Rejections

Claims 1-4, 7-13, 16-19, 22, and 25 are rejected under 35 USC 103(a) as being unpatentable over Rutkowski in view of Ullrich (US Pat 5,583,937). As discussed above, Rutkowski fails to disclose the computer selecting one or more items corresponding to the received customer type from a set of items, instructions that provide a list of the one or more selected items, and instructions that receive a selection corresponding to the received request from the customer from the one or more items. However, the Examiner has equated the parental block of Ullrich with the customer type of the claims and has stated that it would be obvious to modify Rutkowski to employ the parental block of Ullrich. Without conceding that there is motivation to modify Rutkowski based on the disclosure of Ullrich, Applicants assert that such a combination fails to render the claims obvious because the combination fails to address all of the elements of the claims.

As discussed above, claim 1 includes instructions that select one or more items corresponding to the received customer type from a set of items, instructions that provide a list of the one or more selected items, and instructions that receive a selection corresponding to the received request from the customer from the one or more items. Independent method claim 11 has elements that correspond to these acts performed by the instructions of claim 1. Neither claim is rendered obvious because none of the cited references disclose that a selection of items is made based on a received customer type.

Ullrich fails to account for this deficiency in Rutkowski because Ullrich discloses a set top box that offers all the options to the customer via a promotional channel(s) and then receives an order for the option chosen by the customer. It is only after receiving the selection by the customer that the set top box then applies the parental block that is set within the set top box to block the order. Thus, the set top box is not selecting items based on customer type and providing a list of those selected items but is instead providing all the items regardless of the parental block, since the parental block is applied after the order is received to reject the order. Secondly, the parental block is applied

without receiving the customer type from the network since the parental block is stored within the set top box already. For at least these reasons, Ullrich fails to account for the noted deficiencies in Rutkowski such that the combination of Rutkowski with Ullrich fails to disclose all of the elements of claims 1 and 11.

Accordingly, claims 1 and 11 are allowable over the cited combination. The remaining dependent claims depend from an allowable claim 1 or 11 and are also allowable for at least the same reasons.

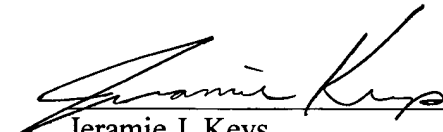
Conclusion

Applicants assert that the application including claims 1-19, 22, and 25 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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